

Appl. No. 10/033,951  
Amdt. Dated: December 9, 2003  
Reply to Office Action of September 9, 2003

### **REMARKS**

The above identified application has been reviewed in light of the Office Action of the United States Patent and Trademark Office mailed September 9, 2003. By the present Amendment, independent claim 10 has been amended. It is respectfully submitted that no new matter has been added.

In the Office Action, claims 1-5, 8, 9-13 and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,948,000 to Larsen et al. in view of U.S. Patent No. 5,911,721 to Nicholson et al. The rejection of independent claim 1 over the combination of Larsen et al. and Nicholson et al. is respectfully traversed. Both Nicholson et al. and Larsen et al. relate to suture anchors including expandable outer sleeves having structure to secure the outer sleeve within bone in response to longitudinal movement of an inner member. In particular, Larsen et al. utilizes barbs 16 which engage bone in response to longitudinal insertion of a pin 20. Similarly, ridges 16 formed in an outer sleeve of the Nicholson et al. device are also radially expandable to engage bone. Neither the Larsen nor the Nicholson devices are configured to be threaded or screwed into the bone, but rather are intended to be inserted as a plug and radially expanded to secure the plug within the bone.

In contrast thereto, independent claim 1 clearly recites "A suture screw comprising: a sleeve having a threaded outer surface..." (emphasis added). It is respectfully submitted that the ridges 16 or the barbs 16 in the Nicholson and Larsen devices are not "threaded outer surfaces" of a "suture screw". Thus, it is respectfully submitted that independent claim 1 patentably distinguishes over the Larsen or Nicholson device taken alone or in combination.

Dependent claims 2-5 and 8-9, which depend directly or indirectly from independent

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claim 1, are also believed to patentably distinguish over the combination of the Larsen et al. and Nicholson et al. device taken alone or in combination.

With regard to the rejection of independent claim 10, independent claim 10 has been amended to recite a “non-expandable” outer sleeve. As noted above, the outer sleeves of both the Larsen and Nicholson et al. devices are expandable in order to engage the interior surface of the bone. Thus, it is respectfully submitted that independent claim 10, as amended, patentably distinguishes over Larsen et al. and Nicholson et al. taken alone or in combination.

Dependent claims 11-15, which depend directly or indirectly from independent claim 10, are also believed to patentably distinguish over the combination of the Larsen and Nicholson et al. devices for at least the reasons given above with respect to independent claim 10.

With regard to independent method claim 16, independent method claim 16 recites “threading the suture screw into bone”. As noted above, the suture anchors of Larsen and Nicholson are longitudinally moved into the bone and then radially expanded to secure the suture anchors within the bone and thus a method used therewith does not include the step of threading the suture screw into bone as recited in claim 16.

If it respectfully submitted that claim 17, which depends directly from claim 16, also patentably distinguishes over the combination of the Larsen et al. and Nicholson et al. devices.

Applicants note with appreciation the allowability of claims 6, 7 and 14 if rewritten in independent form to include all the limitations of the base claim and any intervening claims. However, in view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application namely, claims 1-17, patentably distinguish over the

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prior art of record. Early and favorable reconsideration of the claims is respectfully requested.

Respectfully submitted,



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